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April 25, 1949

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Wilson
Paul Neal, Secretary
Tucson Game Protective Association
P. O. Box 5206
Tucson, Arizona

Dear Mr. Neal:

We have your letter of March 11 requesting an opinion from this office on the following question:

"If a parcel of land is leased from the State or Federal Government, does the Lessee have a legal right to lock gates of fences surrounding such land?"

It is our opinion that a lessee of state land has a legal right to lock gates of fences surrounding such land. A lessee of state land is in the same position as a lessee of private land. The lease executed with the state is not a mere permit to use the land but is a valid lease and, therefore, an interest in realty and as such the lessee has complete control over that property during the term of his lease subject, however, to the laws of the State of Arizona and any conditions which may be contained in the lease.

We have checked the form of lease now used by the Land Department and find no restriction against locking gates.

It is true, of course, that if a lessee has state lands containing a public road, he must not obstruct such road by locking a gate. However, with this exception the lessee may prevent persons trespassing upon his land for hunting or any other purpose if he so desires by complying with the provisions of Section 57-104 regarding posting.

Trusting the above fully answers your inquiry, we remain

Yours very truly,

FRED O. WILSON
Attorney General

JOSEPH PYLE RALSTON
Assistant Attorney General

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